

UNITED STATES DISTRICT COURT  
for the  
EASTERN DISTRICT OF NORTH CAROLINA

**U.S.A. vs. Dwayne Cornelius Brown**

**Docket No. 7:08-CR-70-1D**

**Petition for Action on Supervised Release**

COMES NOW Erik J. Graf, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Dwayne Cornelius Brown, who, upon an earlier plea of guilty to Conspiracy to Possess With the Intent to Distribute 500 Grams or More of Cocaine in violation of 21 U.S.C. § 846, was sentenced by the Honorable James C. Dever III, Chief U.S. District Judge, on April 23, 2009, to the custody of the Bureau of Prisons for a term of 108 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 60 months.

Dwayne Cornelius Brown was released from custody on October 14, 2016, at which time the term of supervised release commenced.

On July 19, 2017, Brown was allowed to continue supervision and participate in substance abuse treatment as a result of a positive urine screen for marijuana.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:**

Brown tested positive for marijuana on August 7, 2017. This was his second positive test within two month period. While Brown is currently in the early phases of substance abuse treatment, and reports from his treatment provider are thus far positive, it is the feeling of the probation officer that Brown's actions require a progressive response to a more severe sanction in order to demonstrate the seriousness of his actions and that continued negative behavior will not be tolerated.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

**PRAYING THAT THE COURT WILL ORDER** that supervised release be modified as follows:

1. The defendant shall adhere to a curfew as directed by the probation officer for a period not to exceed 60 consecutive days. The defendant is restricted to residence during the curfew hours. The defendant shall submit to the following Location Monitoring: Radio Frequency monitoring and abide by all program requirements, instructions and procedures provided by the supervising officer. Except as herein modified, the judgment shall remain in full force and effect.

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Reviewed and approved,

I declare under penalty of perjury that the foregoing  
is true and correct.

/s/ Robert L. Thornton  
Robert L. Thornton  
Supervising U.S. Probation Officer

/s/ Erik J. Graf  
Erik J. Graf  
U.S. Probation Officer  
2 Princess Street, Suite 308  
Wilmington, NC 28401-3958  
Phone: 910-679-2031  
Executed On: September 14, 2017

**ORDER OF THE COURT**

Considered and ordered this 20 day of September, 2017, and ordered filed and  
made a part of the records in the above case.

James C. Dever III  
James C. Dever III  
Chief U.S. District Judge